

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
DIVISION OF ANDERSON
CASE NO.: _____**

JOSHUA ANNON,

Plaintiff,

v.

ELECTROLUX HOME PRODUCTS, INC.
and AERUS LLC f/k/a ELECTROLUX,
LLC,

Defendants.

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
SOUTH CAROLINA, DIVISION OF ANDERSON**

NOW COMES the Defendant, Electrolux Home Products, Inc. (“Defendant”), by and through undersigned counsel, and files this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Defendant hereby petitions to remove this civil action to the United States District Court for the District of South Carolina, Division of Anderson, from the Anderson County Court of Common Pleas, South Carolina, bearing Civil Action Number 2020-CP-04-01779. Defendant submits the following to the Court as basis for the Petition for and Notice of Removal:

I. NATURE OF THE ACTION

1. On or about September 23, 2020, Plaintiff Joshua Annon (“Plaintiff”) filed a civil action in the State of South Carolina, in the Anderson County Court of Common Pleas, entitled *Joshua Annon v. Electrolux Home Products, Inc., et al.*, No. 2020-CP-04-01779 (the “State Court Action”).

2. Plaintiff states that he is a citizen and resident of the County of Anderson, South Carolina (Plaintiff’s Complaint, Paragraph 1).

3. Defendant Electrolux Home Products, Inc. is a corporation existing under the laws of the State of Delaware with its principal place of business in Charlotte, North Carolina.

4. On December 17, 2020, Defendant Aerus, LLC, was voluntarily dismissed without prejudice by Plaintiff in the State Court Action.

5. The State Court Action is a civil action asserting causes of action for personal injury.

II. PETITION FOR REMOVAL IS TIMELY

6. Plaintiff filed suit in the Anderson County Court of Common Pleas, South Carolina on September 23, 2020, and served the Complaint on Defendant, Electrolux Home Products, Inc. on or about November 23, 2020.

7. Defendant has not filed any responsive pleadings or served any documents which would waive their right to removal. In addition, Defendant is not in default in the State Court Action as of the time of the filing of this Notice of Removal, and no proceedings have been conducted in the State Court Action.

8. Pursuant to 28 U.S.C. § 1446(b), the Notice of Removal of a Civil Action must be filed within thirty (30) days of the Defendant's receipt of the initial pleading, via service or otherwise, which sets forth the claim for relief.

9. This Notice of Removal is timely as it was filed within thirty (30) days after Defendant was served with Plaintiff's Complaint on or about November 23, 2020. Defendant has been properly joined and served, and a summons is concurrently being issued to a Third Party Defendant which shall be timely served.

III. FEDERAL JURISDICTION EXISTS

10. The District Courts have “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs” and where the matter involves citizens of different states. 28 U.S.C. § 1332(a)-(a)(1).

11. In Plaintiff’s Complaint, Plaintiff claims he sustained “significant injury” and would “endure pain and suffering for an indefinite period of time into the future.” In addition, Plaintiff has also requested punitive damages. (Plaintiff’s Complaint, Paragraph 9 and 12).

12. Further, Defendant’s counsel conferred with Plaintiff’s counsel regarding the amount in controversy. Plaintiff’s counsel refused to stipulate to the amount of damages being less than \$75,000.00.

13. Therefore, upon information and belief, Defendant believes that the amount in controversy exceeds the sum or value of \$75,000.00.

14. Plaintiff is a citizen and resident of South Carolina while the Defendant is a citizen of the State of North Carolina and Delaware. Therefore, complete diversity exists.

15. This Court has jurisdiction over this matter as the amount in controversy exceeds \$75,000.00 and involves citizens of different states.

IV. REMOVAL TO THIS DISTRICT IS PROPER

12. A Civil Action can be brought in the judicial district in which “a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b)(2).

16. Venue is proper in the United States District Court for the District of South Carolina, Division of Anderson, as the Plaintiff resides in Anderson County, and the alleged events occurred in Anderson County, which is part of this District.

V. CONSENT AND REMOVAL REQUIREMENTS

17. Copies of all process, pleadings, and orders served to date upon all parties in this matter are attached hereto as **Exhibit A**.

18. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal has been served upon all adverse parties, and notice of its filing will be promptly filed with the Clerk of Anderson County Court of Common Pleas, South Carolina.

VI. RESERVATION OF RIGHTS

19. Defendant hereby reserves any and all rights to assert any defenses to Plaintiff's Complaint as Defendant has not yet filed responsive pleadings.

20. Defendant hereby reserves the right to amend or supplement this Notice of Removal as needed.

WHEREFORE, Defendant hereby gives timely notice of the removal of this Action to the United States District Court for the District of South Carolina, Division of Anderson.

This the 21st day of December, 2020.

s/ Steven A. Meckler

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing **NOTICE OF REMOVAL** to be filed for electronic service with the Court's CM/ECF system, and to be served via First Class U.S. Mail upon the parties of record, by putting the same in a properly addressed, postage prepaid envelope and placing such envelope in an official depository under the exclusive care, custody, and control of the United States Postal Service, addressed as follows:

Chad L. Bacon
Foster Law firm, LLC
25 Mills Avenue
Greenville, SC 29605
Attorneys for Plaintiff

Securitas Security Services USA, Inc.
c/o National Registered Agents, Inc.,
Registered Agent
2 Office Park Court, Suite 103
Columbia, SC 29223

This the 21st day of December, 2020.

s/ Steven A. Meckler

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